

Remarks

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing amendment, claims 1-20 are pending in the application, with claims 1, 6, 11 and 16 being the independent claims. Claims 1 and 6 are sought to be amended without prejudice to or disclaimer of the subject matter therein. New claims 11-20 are sought to be added. These changes are believed to introduce no new matter, and their entry is respectfully requested. Based on the above amendments and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections Under 35 U.S.C. § 102

In the Office Action dated July 15, 2008 (“Office Action”), claims 1-10 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Published Application No. 2005/0086538 to Kazumi Kubota (“Kubota”). Applicants respectfully traverse this rejection. Kubota differs from the presently pending claims in at least two significant ways.

First, Kubota is directed to access authorization control for a server. (Kubota, ¶¶ 0008-10.) To accomplish this, Kubota records the characteristics of past server attacks or unauthorized access and maintains that information in a plurality of logs or databases. (Kubota, ¶¶ 0023-35.) There are three judging units in Kubota: (i) the unauthorized-client judging unit 131; (ii) the unauthorized-access-event judging unit 132; and (iii) the event-sequence judging unit 133. (Kubota, ¶ 0032.) The underlying criteria for all access decisions in Kubota is therefore based on analysis of past unauthorized access. (Kubota, ¶ 0052.)

In contrast, the method described in independent claim 1 is directed to determining whether a client is attempting to either copy or use a particular application without authorization based on past authorized or normal usage patterns. (Specification, ¶¶ 54-57.) As stated in the present specification, “blocks of the software content that have a very high probability of being executed a certain distance from one another are put into a sequence. If one block is executed (or read) and another is not, wherein the block should be executed (or read) within the certain distance, this indicates to the present invention that there is an abnormality of behavior for the application.” (Specification, ¶ 0057.)

This distinction is clearly reflected in independent claim 1 (as amended). For example, claim 1 includes the feature of “*determining prediction knowledge for the application, wherein said prediction knowledge is indicative of authorized use and wherein said prediction knowledge is stored in a prediction file*” and then “*using said prediction file to detect abnormalities and determine whether the client is attempting to copy the application or use the application without authorization.*” This feature is not taught or suggested in Kubota. As noted above, Kubota blocks unauthorized server access attempts solely by comparison to past unauthorized access.

Second, the method and system described in Kubota is performed entirely on the server. (Kubota, FIG. 1, ¶ 0022.) This is logical as Kubota is directed to detecting and preventing unauthorized server access. The method steps recited in independent claim 1, on the other hand, are split between a prediction server and a client. For example, independent claim 1 includes the steps of “*forwarding the at least one prediction log file to a prediction server*” and “*forwarding said prediction file to the client executing the*

application." Neither of these features are described or taught in Kubota. The Examiner points to paragraph [0033] of Kubota as teaching the feature of forwarding a prediction log file to a client. (Office Action, p. 3.) Applicants respectfully disagree. Nothing in paragraph [0033] of Kubota teaches or suggests this feature.

For at least the two reasons noted above, Kubota does not teach or suggest every feature recited in independent claim 1. Applicants therefore respectfully request that the rejection of independent claim 1 as being anticipated by Kubota under 35 U.S.C. § 102(e) be reconsidered and withdrawn. Similarly, Applicants request that the rejection of dependent claims 2-5 be withdrawn as these claims depend from independently patentable base claim 1, and in view of their own respective features. Finally, each of the arguments above is equally applicable to independent claim 6, which is a system claim that mirrors independent claim 1. For this reason, Applicants request that the rejection of independent 6 and its dependent claims 7-10 be similarly reconsidered and withdrawn.¹

Rejections Under 35 U.S.C. § 103

Dependent claims 3, 4, 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kubota in view of U.S. Patent No. 7,185,364 B2 to Knouse *et al.* ("Knouse"). Applicants respectfully traverse this rejection. Knouse does not overcome the above described deficiencies of Kubota.

¹ Applicants note that while the Examiner generally stated that "claims 1-10 are rejected under 35 U.S.C. § 102(e)," the Examiner provided no detailed rejection of dependent claims 3, 4, 8 and 9 under 102(e). If the Examiner believes these claims to be anticipated by Kubota, then Applicants request a detailed rejection in any future communication.

Knouse is directed to an access system interface. The described interface “enables an application without a web agent front end to read and use contents of an existing encrypted cookie to bypass authentication and proceed to authorization.” (Knouse, Abstract.) Like Kubota, Knouse is generally directed to authentication and authorization services. Knouse describes use of encrypted cookies to authorize a first user to access a first resource “without requiring the first use to re-submit authentication credentials.” (Knouse, 2:60-66.)

Knouse does not teach or suggest the independent claim 1 and claim 6 features of “*determining prediction knowledge for the application, wherein said prediction knowledge is indicative of authorized use and wherein said prediction knowledge is stored in a prediction file*” and then “*using said prediction file to detect abnormalities and determine whether the client is attempting to copy the application or use the application without authorization.*” For this reason, Knouse does not overcome the deficiencies of Kubota and therefore cannot be combined with Kubota to reject independent claims 1 and 6, from which claims 3-4 and 8-9 respectively depend.

Further, Knouse does not teach or suggest the subject matter recited in dependent claims 3 or 8. These claims detail the step of creating data for the “*prediction log file*” which is used to determine prediction knowledge that is “*indicative of authorized use.*” (See claims 1 and 6.) As recited in claim 3, the steps include “*merging block IDs; creating short term strings; deleting triggers; creating long term strings; sorting said short term strings and said long term strings; and creating the triggers scheme data structure to create said at least one prediction log file.*”

Knouse's "Organization Manager" sets up three different data structures that are used to "organize directory data" in a directory server. (Knouse, 47:10-17.) These data structures allow organizations to which access will be granted to be created, removed and otherwise managed. (Knouse, 47:15-18.) This has nothing whatsoever to do with the specific steps recited in claim 3 or the means for accomplishing those steps recited in claim 8.

For at least these reasons, Applicants respectfully request that the rejection of dependent claims 3, 4, 8 and 9 under 35 U.S.C. § 103(a) over Kubota in view of Knouse be reconsidered and withdrawn.

New Claims 11-20

Applicant seeks to add new claims 11-20. These claims introduce no new matter. Rather, they substantially restructure the same subject matter recited in independent claims 1-6. More specifically, new independent claim 11 recites substantially the same method as independent claim 1, but from the perspective of the client. Similarly, new independent claim 16 recites substantially the same method as independent claim 1, but from the perspective of the prediction server. Entry of new claims 11-21 is respectfully requested. These new claims are patentable over both Kubota and Knouse for substantially the same reasons outlined above with respect to claim 1.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Jon E. Wright
Attorney for Applicants
Registration No. 50,720

Date: November 18, 2008 ^{17 J.W.}

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

873657_1.DOC